

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : T. Bretschneider et al.  
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For : 2,4,6-PHENYL-SUBSTITUTED CYCLIC KETOENOLS  
Group Art Unit : 1624  
Examiner : KAHSAY T. HABTE

**DECLARATION**

I, Dr. Wolfgang Thielert, hereby declare:

- that I am an agronomist having studied at the University of Bonn, Germany;
- that I received my doctor's degree in agriculture at the University of Bonn, Germany in 1984;
- that I entered the employ of Bayer in 1984;
- that I am specialized in plant protection (phytopharmacology);
- that the following tests have been carried out under my supervision and direction

**Myzus persicae -Test (MYZUPE)**

Solvent: 7 parts by weight of dimethylformamide

Emulsifier: 2 part by weight of alkylaryl polyglycoether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration. Cabbage leaves (*Brassica oleracea*) which are heavily infested by the green peach aphid (*Myzus persicae*) are treated by being dipped into the preparation of the active compound of the desired concentration.

After the specified period of time, mortality in % is determined. 100 % means that all the aphids have been killed; 0 % means that none of the aphids have been killed.

In this test, for example, the following compounds from the preparation examples show a superior level of activity compared to the prior state of the art: see list

Substance	Object	Concentration ppm	% Efficacy 6 days after application
Ex. I-1-a-12 EP-A-825982 known	MYZUPE	8	60
Ex. I-1-a-3 according to invention	MYZUPE	4	65
Ex. I-1-a-26 US6358887 known	MYZUPE	8	30
Ex. I-1-a-3 according to invention	MYZUPE	4	65
Ex. I-1-b-25 EP-A-825982 known	MYZUPE	1,6	0
Ex. I-1-b-1 according to invention	MYZUPE	0,8	20
Ex. I-1-b-6 US6358887 known	MYZUPE	10	0
Ex. I-1-b-1 according to invention	MYZUPE	4	50

Substance	Object	Concentration ppm	% Efficacy 6 days after application
US6358887 known	MYZUPE	10	10
Ex. I-1-b-1 according to invention	MYZUPE	4	50
Ex. I-1-b-26 EP-A-825982 known	MYZUPE	8	25
Ex. I-1-b-9 according to invention	MYZUPE	4	70
Ex. I-1-b-22 EP-A-825982 known	MYZUPE	1000	0
Ex. I-1-b-5 according to invention	MYZUPE	100	90
Ex. I-1-c-10 EP-A-825982 known	MYZUPE	1,6	0
Ex. I-1-c-1 according to invention	MYZUPE	0,8	20
Ex. I-1-c-5 US6358887 known	MYZUPE	1	0
Ex. I-1-c-1 according to invention	MYZUPE	0,8	20
Ex. I-1-c-13 US 6358887 known	MYZUPE	10	10
Ex. I-1-c-1 according to invention	MYZUPE	4	85

Substance Ex. I-1-c-8 EP-A-825982 known	Object MYZUPE	Concentration ppm 100	% Efficacy 6 days after application 20
Ex. I-1-c-7 according to invention	MYZUPE	20	40

# **Aphis gossypii -Test (APHIGO)**

Solvent: 7 parts by weight of dimethylformamide  
 Emulsifier: 2 parts by weight of alkylaryl polyglycoether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration. Cotton leaves (*Gossypium hirsutum*) which are heavily infested by the cotton aphid (*Aphis gossypii*) are treated by being dipped into the preparation of the active compound of the desired concentration.

After the specified period of time, the mortality in % is determined. 100 % means that all the aphids have been killed; 0 % means that none of the aphids have been killed.

In this test, for example, the following compounds from the preparation examples show a superior level of activity compared to the prior state of the art: see list

Substance	Object	Concentration ppm	% Efficacy 6 days after application
Ex. I-1-a-10 EP-A-825982 known	APHIGO	40	10
Ex. I-1-a-1 according to invention	APHIGO	20	30
Ex. I-1-b-25 EP-A-825982 known	APHIGO	40	65
Ex. I-1-b-1 according to invention	APHIGO	20	90
Ex. I-1-b-26 EP-A-825982 known	APHIGO	40	25
Ex. I-1-b-9 according to invention	APHIGO	20	50

Substance	Object	Concentration ppm	% Efficacy 6 days after application
Ex. I-1-c-10 EP-A-825982 known	APHIGO	8	0
Ex. I-1-c-1 according to invention	APHIGO	4	80

### Tetranychus-Test , OP-resistant/Tauchbehandlung (TETRUR)

Solvent: 7 parts by weight of dimethylformamide  
Emulsifier: 2 part by weight of alkylaryl polyglycoether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent and emulsifier, and the concentrate is diluted with emulsifier-containing water to the desired concentration. Bean plants (*Phaseolus vulgaris*) which are heavily infested with all stages of the two-spotted spider mite (*Tetranychus urticae*) are treated by being dipped into the preparation of the active compound of the desired concentration. After the specified period of time, mortality in % is determined. 100 % means that all the spider mites have been killed; 0 % means that none of the spider mites have been killed. In this test, for example, the following compounds from the preparation examples show a superior level of activity compared to the prior state of the art: see list

Substance	Object	Concentration ppm	% Efficacy 7 days after application
Ex. I-1-a-9 US6358887 known	TETRUR	8	60
Ex. I-1-a-3 according to invention	TETRUR	4	95
Ex. I-1-a-26 US 6358887 known	TETRUR	1	0
Ex. I-1-a-3 according to invention	TETRUR	0,8	30
Ex. I-1-b-23 US 6358887 known	TETRUR	100	0
Ex. I-1-b-1 according to invention	TETRUR	100	90

Substance	Object	Concentration ppm	% Efficacy 7 dat
Ex. I-1-c-5			
US 635887 known	TETRUR	1	0
Ex. I-1-c-1			
	TETRUR	0,8	35
according to invention			
Ex. I-1-c-13			
US 6358887	TETRUR	10	0
known			
Ex. I-1-c-1			
	TETRUR	4	65
according to invention			

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

18.6.2010   
Date \_\_\_\_\_ Dr. Wolfgang Thielert